

The Engineering graduates who entered prior to 1st April 1959 and still on probation will be given Rs. 150 p.m. with effect from 1st April 1959, and they will be permitted to draw Rs. 170 p.m. after satisfactory completion of the probationary period, in the grade of Rs. 150-10-300. The Engineering graduates who have completed the period of probation and are drawing less than Rs. 170 p.m. from 1st April 1959 may be permitted to draw Rs. 170 p.m. from 1st April 1959 in the grade of Rs. 150-10-300.

Similarly, Diploma holders who are still on probation and are drawing less than Rs. 70 per month may be permitted to draw Rs. 70 per month from 1st April 1959 and after the satisfactory completion of the probationary period may be permitted to draw Rs. 90 p.m. in the grade of Rs. 70-5-90-6-150-10-180. The Diploma Holders who have completed the period of probation and are drawing less than Rs. 90 per month may be permitted to draw Rs. 90 per month from 1st April 1959 in the grade of Rs. 70-5-90-6-150-10-180.

By Order and in the name of the Governor of Mysore,

AHMED ABDUL AZIZ,

*Under Secretary to Government,
Education Department.*

PUBLIC WORKS AND ELECTRICITY SECRETARIAT

Rules for Registration of Contractors in the Public Works Department.

READ—

Government Orders No. PWD 98 ORG 58, dated 21st January 1959 and 6th February 1959.

ORDER No. PWD 98 ORG 58, DATED BANGALORE, THE 18TH SEPTEMBER 1959
(BHADRAPADA 27, SAKA ERA 1881).

Rules for registration, classification, etc., of Contractors in the Public Works Department were promulgated in January 1959. The Chief Engineers have brought to notice certain administrative difficulties experienced in the working of the rules and have suggested certain changes with a view to efficient and expeditious execution of works and in order to accommodate Contractors of small means. Representations have also been made to Government for the creation of an additional class of Contractors and for waiving the production of solvency certificates in their cases, for relaxation of the works qualification laid down in Rule 4 in the case of Contractors who desire to register themselves in Classes I, II and III but who had had no opportunity of executing individual works of the value laid down in that Rule and were, therefore, ineligible for registration in the said classes, and for lowering the Earnest Money Deposit to 2½ per cent of the estimated cost of the work tendered for.

2. The subject was discussed at the Conference of Officers of the Public Works Department held at Bangalore on the 2nd and 3rd June 1959 and certain changes in the existing rules were tentatively agreed to. Government have carefully considered the matter and have decided to create an additional class of Contractors, viz., Class V, as in the Central Public Works Department, and to revise Rule 4 suitably to enable persons who had had no opportunities of executing works of bigger magnitude in the past, to get themselves registered in Classes II and III. The proposal to lower the scale of Earnest Money Deposit is also accepted. Certain verbal changes which are considered necessary in the existing rules have also been incorporated in the revised rules which are approved and appended hereto.

3. These rules will come into force with immediate effect but will not affect the registration of Contractors already effected under the previous rules:

By Order and in the name of the Governor of Mysore,

V. SHANKARAPPA,

*Under Secretary to Government,
Public Works Department.*

APPENDIX.

Rules for Registration of Contractors in the Public Works Department.

1. **Classification.**—The Contractors in the Mysore Public Works Department shall be registered in the following five classes:—

Class I.—Qualified to tender for works up to any amount;

Class II.—Qualified to tender for works whose estimated cost does not exceed Rs. 10 lakhs (Ten lakhs);

Class III.—Qualified to tender for works whose estimated cost does not exceed Rs. 2 lakhs (Two lakhs);

Class IV.—Qualified to tender for works whose estimated cost does not exceed Rs. 25,000;

Class V.—Qualified to tender for works whose estimated cost does not exceed Rs. 5,000.

Works costing less than Rs. 5,000 shall be done by the registered contractors at rates not exceeding the current schedule of rates.

Note 1.—In these rules "works" mean works of construction, fitting out, improvement or repair of any building, road, bridge, irrigation work, water supply, drainage, supply or transport of materials or other property.

Note 2.—The amount of subsisting contracts should be taken account of in arriving at the total amount of contract for which a contractor will be eligible to tender under the above Rules.

Note 3.—"Estimated cost" in the above rule means the amount of the estimate/s in respect of the work/s.

2. **Jurisdiction.**—Contractors registered under Class I may tender for works anywhere in the State. Contractors registered under Class II may tender for works within the Circle/s wherein they are registered, contractors registered under Class III, IV and V may tender for works within the Revenue District/Districts or part of a District in which the respective public works department Division/s is/are situated.

3. **Registration of Contractors.**—Registration of Contractors falling in Class I shall be made by the Chief Engineer (General), that in Class II by the Superintending Engineer of the Circle, and that in Classes III, IV and V by the Executive Engineers of the respective Divisions:

Provided that the Chief Engineer (General), in registering Contractors, shall be advised by the Standing Committee of Chief Engineers.

4. **Qualifications.**—The following qualifications are laid down in regard to registration of the different classes of contractors:—

Class I contractors should have completed at least one work the estimated cost of which is not less than Rs. 5 lakhs, within the preceding five years. Class II contractors should have completed at least one work the estimated cost of which is not less than Rs. 1 lakh within the preceding five years; in the alternative, the average annual turnover on account of works executed by them within the

preceding five years should be not less than Rs. 1 lakh. Class III contractors should have completed at least one work the estimated cost of which is not less than Rs. 25,000 within the preceding five years; in the alternative, the annual turnover on account of works executed by them within the preceding five years should be not less than Rs. 25,000. Class IV and V contractors should have completed at least one work the estimated cost of which is not less than Rs. 5,000 and Rs. 2,000 respectively within the preceding five years.

In the case of a new contractor or a contractor who does not have the works qualification specified above for a class for which he applies, the Officer immediately superior in rank to the appropriate registering authority may, after satisfying himself about the financial ability and qualifications of such applicant, award one or two works to him and after he executes the work/works satisfactorily, register his name in the appropriate class. The first registration in such cases will not be for a class higher than Class III.

5. Appointment of Technical Personnel (by the Contractors).—Class I and II contractors should appoint at least one Engineering Graduate with practical experience of two years and more for every work costing Rs. 5 lakhs and above, and at least a Licentiate or a Diploma holder in Civil Engineering with three years' practical experience on every work, or group of works altogether costing less than Rs. 5 lakhs:

Provided that if the registered contractor himself possesses the qualifications prescribed above for the technical personnel, the requirement about the appointment of technical personnel need not be insisted on:

For Classes III, IV and V contractors, it is sufficient if the contractor has, in the opinion of the Registering Authority, gained experience and possesses the necessary works qualification specified in Rule 4.

6. Deposits.—Contractors shall in each case be required to deposit $2\frac{1}{2}$ per cent of the estimated cost of the work tendered for while offering tenders, provided, however, that contractors in Classes I and II will be exempted from this requirement, if they deposit a sum of Rs. 50,000 and Rs. 20,000 respectively with the Registering Authority either in cash or in interest-bearing security at the time of registration, as long as such sums are kept in deposit. No interest will be allowed on these amounts. In addition to the Earnest Money Deposit referred to above, deductions shall be made from each running bill at 5 per cent of the amount of the bills in respect of contractors whose tenders are accepted.

7. Registration.—The application, for registration in the prescribed form (*vide* Annexure I) should be submitted to the Authority competent to effect registration and it should be accompanied by the following documents:—

(i) A challan for having credited to Government a sum of Rs. 10 being the registration fee for all classes of contractors;

(ii) Residential Certificate;

(iii) A certificate of solvency in the prescribed form (*vide* Annexure II) obtained from (a) a Scheduled Bank in the case of Class I contractors to the extent of Rs. 10,00,000, (b) from any approved Bank registered under Statute, in the case of Class II contractors to the extent of Rs. 2,00,000; and (c) from the Tahsildar of the Taluk concerned in the case of Class III contractors to the extent of Rs. 10,000, and in the case of Class IV contractors to the extent of Rs. 5,000. Application for registration in Class V should be accompanied by a certificate from an Executive Engineer of the Public Works Department that the applicant has executed satisfactorily works to an extent of Rs. 5,000 during the preceding five years.

- (iv) Income-Tax Clearance Certificate;
- (v) Sales-Tax Clearance Certificate;
- (vi) A certificate issued under Companies Act in the case of Firms or Companies.

8. Renewal of Registration.—Every registration effected and every certificate of registration granted under these rules, shall be valid from the date of registration or grant, until the expiry of the 31st March following. Such registration may be renewed for every official year following, on application for renewal of registration, which will be subject to all the conditions laid down in these rules for first registration, including the payment of registration fees. Applications for renewal shall be made at least two months before the expiry of registration.

The solvency certificate should be produced during first registration and once in two years thereafter at the time of renewal, provided the registering authority may, for reasons to be recorded by him in writing, call upon the contractor to produce such certificate giving him reasonable notice, failing which the renewal is liable to be refused.

9. Refusal of Registration.—The registration of a contractor shall not be refused except on any of the following grounds, namely:

- (a) that the applicant or any person responsible or proposed to be responsible for the execution of the contract is not qualified or does not possess necessary experience or that the applicant does not possess the necessary financial resources;
- (b) that the applicant has not complied with the rules in respect of registration;
- (c) that satisfactory evidence has been produced that the applicant or any person responsible or proposed to be responsible for the management of his business has knowingly participated in or connived at any fraud or dishonesty in the conduct of or in connection with the business of contractor.

The Registering Authority shall, before registration, record his reasons for such refusal.

10. Demotion to Lower Class.—The Registering Authority may demote a contractor to a lower class if the contractor—

- (i) fails to execute a contract or executes it unsatisfactorily or is proved to be responsible for constructional defect(s) revealed even before the expiry of the prescribed maintenance period, viz., twelve months, after completion, or
- (ii) has no longer the adequate equipment, technical personnel or financial resources; or,
- (iii) violates any important condition of contract; or
- (iv) is responsible for any other matter which may justify his demotion to a lower class taking into account the merits of the case.

11. Suspension of Business.—Suspension of business may be ordered where pending full enquiry into the allegations, the competent authority is of the view that it is not desirable that business with the contractor should continue. Such an order may be passed if the competent authority is *prima facie* of the view that the contractor is guilty of an offence involving moral turpitude in relation to business dealings, which if established would result in his removal/blacklisting.

The period of such suspension of business shall not exceed three months in any case. The authority competent to order such suspension shall be the Executive Engineer in the case of Class III, IV and V contractors, Superintending Engineer in the case of Class II contractors and Chief Engineer (General) in the case of Class I contractors.

12. Removal from the Approved List.—The Registering Authority may remove the name of a contractor from the approved list if such contractor :

- (i) fails to execute a contract, or executes it unsatisfactorily or is proved to be responsible for constructional defect (s) revealed even before the expiry of the prescribed maintenance period, viz., 12 months after completion ; or
- (ii) has no longer the adequate equipment, technical personnel or financial resources ; or
- (iii) violates any important condition of contract ; or
- (iv) fails to tender for a period of two years continuously ; or
- (v) fails to earn good reports continuously for a period of three years ; or
- (vi) fails to furnish the required income-tax clearance and/or sales-tax clearance certificates ; or
- (vii) fails to abide by the conditions of registration or is found to have given false particulars at the time of registration ; or
- (viii) is declared or is in the process of being declared bankrupt-insolvent, wound up, dissolved or partitioned ; or
- (ix) persistently violates the provisions of Labour Regulations and Rules.

13. Blacklisting.—The Registering Authority may blacklist a contractor where—

- (i) there are sufficient and strong reasons to believe that the contractor or his employee has been guilty of malpractices such as bribery, corruption, fraud including substitution of, or interpolation in tenders, pilfering or unauthorised use of, or disposal of Government materials issued for specific works, etc., or
- (ii) the contractor contumaciously refuses to pay Government dues without showing adequate reasons and where the Registering Authority is satisfied that no reasonable dispute attracting reference to arbitration or court of law exists for the contractor's action ; or
- (iii) the contractor or his partner or his representative has been convicted by a court of law for offences involving moral turpitude in relation to the business dealings.

14. Restoration.—Upgrading a 'demoted' contractor, lifting the ban on business, restoring the registration, withdrawal of blacklisting, etc., may be considered at appropriate time on the merits of each case by the authority who had passed the original orders.

15. Appeals.—Any decision of the Registering Authority relating to refusal of registration or renewal of registration shall be subject to appeal to the next higher authority in the Department and in case of decision by the Chief Engineer, the appeal shall be to Government. The decision of the Appellate Authority in each case shall be final.

ANNEXURE I.

GOVERNMENT OF MYSORE.

Application for Registration/Renewal of Registration of Contractors.

1. Name of Applicant.	...
2. Whether applicant is a Joint Stock Company, Undivided Hindu Family, Individual or registered partnership firm, or a Co-operative Society.	
3. Name of person holding the power of Attorney.	
4. Names of partners with their liabilities	...

ANNEXURE I—*concl'd.*

5. Names of Bankers	
6. Place of business	
7. Class in which enlistment is sought	
8. Names of Engineers, Architects or subordinates employed with their qualifications and length of service.	
9. Whether the contractor is prepared to deposit security.	
10. List of works executed: (i) When and where carried out with amounts. (ii) Authority under which carried out.	
11. List of works on hand: (i) Where the works are being carried out; estimated cost, payments received, etc. (ii) Authority under which carried out.	
12. Whether the applicant maintains an office capable of preparing bills, estimates and lumpsum tenders.	
13. Workshop Machines, Tools and Plant owned by the Contractor.	
14. Whether the contractor possesses a Plumbing licence/Electrical licence (copy to be enclosed).	
15. Whether the contractor has large stock of timber, paints and polishes, arrangements for seasoning of timber and employs designers of furniture.	
16. Area in which the contractor wants to work.	
17. Whether the applicant is already enlisted in C.P.W.D./State P.W.D. and if so in which Class.	
18. Whether the contractor has read the Rules for Registration of Contractors and is prepared to abide by them.	

I/We certify that I/we will not get myself/ourselves registered as Contractor/Contractors in the Department under more than one name.

I/We certify that I/we am/are not related to any Officer employed in the State Public Works Department or the Public Works and Electrical Department of the Mysore Government Secretariat.

Date

Signature of the Applicant
and Address.

ANNEXURE II.

Form of Certificate by Banks.

I, Managing Director/Manager/General Manager/
Agent of Bank Ltd., do hereby certify that
..... (here the name
and address of the Contractor to be mentioned) to be
solvent to the extent of Rupees as disclosed by the
information and records which are available with the aforesaid Bank.

For The Bank.

Place.....

Date.....

(Designation of the Officer
authorised to sign).

Form of Certificate by Tahsildars.

I, Tahsildar of
do hereby certify, on being satisfied by the examination of revenue and other records and local
enquiries, that (here the name
and address of the contractor to be mentioned) is solvent to the extent of Rupees

Dated :

Tahsildar

Place :

..... Taluk.

Seal of the
Office

V. SHANKARAPPA,
Under Secretary to Government,
Public Works Department.